

Appl. No. 09/886,740  
Atty. Docket No. 7897R4  
Amdt. dated May 6, 2004  
Reply to Final Office Action of January 6, 2004  
Customer No. 27752

#### AMENDMENTS TO THE DRAWINGS

The attached sheet constitutes a new copy of photograph Fig. 8, which now clearly shows what the lines are pointing to. A formal replacement sheet 8 is included.

Attachment: Replacement Sheet (1 pg.)

## REMARKS

Claims 1-5 and 8-9 are pending in the present application.

Claims 1-3 have been amended to correct the grammatically awkward sentence structure and to more specifically describe the invention. Antecedent basis for the Markush group can be found on page 18, line 35 through page 19, line 2, and page 35, lines 13-17.

Claim 6 has been cancelled and rewritten as Claim 8 in independent form.

Claim 7 has been canceled.

Claim 9 has been added. Antecedent basis is found throughout the specification and specifically on page 14, lines 8-10.

### Drawings

Applicants are submitting a new copy of the photograph shown in Fig. 8.

### Claim Objections

Claims 1-3 were objected to because of informalities. Applicants have corrected the grammar.

### Rejection Under 35 USC 103

The Examiner has rejected Claims 1-3 under 35 USC 103(a) as being unpatentable over Palumbo (WO 96/10979) (hereinafter referred to as "Palumbo"). Claims 1-3 and 5 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Benson, et al. (U.S. Patent No. 5,628,097) (hereinafter referred to as "Benson"). To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants submit that Palumbo and Benson do not meet this requirement.

Palumbo discloses a covering structure for covering an absorbent body of an absorbent sanitary article. The structure comprises an upper and lower layer of a non-woven fibrous material and an intermediate layer comprising an elastic film. (Page 3) Benson discloses a method for aperturing a nonwoven web (abstract). Benson discloses that the nonwoven web may be a laminate or a single layer. Benson provides a three layer example in which the outer layers are spunbond and the central layer is a meltblown (column 7, lines 26-42).

Claims 1, 2, and 3 now requires the third material be selected from the group consisting of paper, tissue paper, closed or open cell foam, air laid fiber core, super absorbent particles, and combinations thereof. Claim 9 requires that the third material be non-thermoplastic. Neither

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Benson nor Palumbo teaches or suggests any materials disposed between the outer layers other than a spunbond material (Benson) or an elastic film (Palumbo). Benson and Palumbo do not teach or suggest the joining of non-thermoplastic materials or the joining of materials other than thermoplastic nonwovens or films. Therefore, one having ordinary skill in the art would not have been motivated by Palumbo or Benson to develop the absorbent food pad, clean room wipe, or tack cloth of the present invention.


#### Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-5 and 8-9.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,  
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